

REMARKS

Prior to this Response, Claims 1-12 were pending. In this Response, Applicants amend Claims 1-3 and 9-11 and add new Claims 25-36. The claim amendments and the new claims do not add any new matter. New Claims 25 and 27 are based on previously submitted Claim 1. New Claims 29 and 32 are based on previously submitted Claim 9. New Claims 31 and 34 are based on original Claim 10. Support for new Claims 26, 28, 30, 33, 35 and 36 is found throughout the specification, for example, on page 10, lines 1-4.

Interviews

Applicants thank the Examiner for an in-person interview on November 5, 2007, and for a telephone interview on April 3, 2008. During the interviews, the differences between the claims and the structures disclosed in the publications cited by the Examiner in the Office Actions mailed in the present application were discussed. In particular, during the telephone interview on April 3, 2008, Applicants' representatives and the Examiner discussed the differences between the pending Claims and the structures disclosed in U.S. Patent No. 5,775,719 ("Frieze") and U.S. Patent Publication US2005/0075639 ("Lechot"), as cited by the Examiner in the Office Action, and potential claim amendments to overcome the rejections in view of *Frieze* and *Lechot*.

Rejection of Claims 1-5 and 8 under 35 U.S.C. § 102(b) in light of *Frieze*

Claims 1-5 and 8 are rejected under 35 U.S.C. § 102(b) in light of *Frieze*. Anticipation requires the cited reference to teach each and every element of the claim. See MPEP 2131.01. Applicants assert that *Frieze* does not teach at least one element recited in Claims 1-5 and 8, as currently amended, namely, the at least one second portion forming at least one side of the hollow body [of a generally dome shape] not forming a surface of rotation about the rotational axis, being located generally more closely to the rotational axis than the first portion, and reducing a dimension of the exterior of the hollow body in at least one dimension transverse to the rotational axis. Applicants respectfully bring to the Examiner's attention that the parallel planes discussed by the Examiner, for example, on

page 3 of the Office Action and schematically illustrated in Figure 1 from *Frieze*, reproduced on the same page, are different from the at least one second portion recited in Claim 1 for at least one of the following reasons.

First, the parallel planes discussed by the Examiner do not form the sides of a generally dome-shaped hollow body, in contrast to the at least one second portion recited in Claim 1. Second, these parallel planes do not reduce a dimension of the exterior of the hollow body, as does the at least one second portion recited in Claim 1. In contrast to the hollow body recited in Claim 1, all exterior dimensions of the reamer dome shown in Figure 1 of *Frieze* transverse to the rotational axis are determined by the surface of rotation, as discussed by the Examiner in the Office Action, and not by the parallel planes. At least in view of the foregoing, *Frieze* fails to anticipate Claims 1-5 and 8. Applicants respectfully assert that the claim amendments overcome the rejection based on *Frieze* and request that the rejection be reconsidered and withdrawn.

The parallel planes discussed by the Examiner in connection with Figure 1 in *Frieze*, are, first, not sides of a dome, and, second, do not reduce a dimension of the dome exterior. Therefore, *Frieze* also fails to teach at least one limitation recited in new Claim 25, a dome having a portion dimensioned substantially as a surface of rotation about a rotational axis and at least one side not forming a surface of rotation about the rotational axis, located generally more closely to the rotational axis than the portion dimensioned substantially as a surface of rotation, and reducing a dimension of the exterior of the dome in at least one dimension transverse to the rotational axis.

With regard to new Claim 27, *Frieze* also fails to teach at least one limitation of the claim, the generally dome-shaped hollow body having a portion dimensioned substantially as a surface of rotation about a rotational axis and at least one side not forming a surface of rotation about the rotational axis, and located generally more closely to the rotational axis than the portion dimensioned substantially as a surface of rotation. Furthermore, *Frieze* fails to teach at least one more limitation of new Claim 27, the generally dome-shaped hollow body having a smaller exterior diameter in a direction of the at least one side not forming a

surface of rotation as compared to an exterior diameter of the surface of rotation. Accordingly, Applicants respectfully assert that *Frieze* fails to anticipate new Claims 25, 27 and their dependent claims and request their allowance.

Rejection of Claims 1-12 under 35 U.S.C. § 102(e) in light of *Lechot*

Claims 1-12 are rejected under 35 U.S.C. §102(e) in light of *Lechot*. Anticipation requires the cited reference to teach each and every element of the claim. See MPEP 2131.01. *Lechot* does not teach at least one element recited in Claims 1-8, as currently amended, namely, the at least one second portion forming at least one side of the hollow body [of a generally dome shape] not forming a surface of rotation about the rotational axis, being located generally more closely to the rotational axis than the first portion, and reducing a dimension of the exterior of the hollow body in at least one dimension transverse to the rotational axis. *Lechot* also does not teach at least one element recited in Claims 9-12, as currently amended, because it does not teach at least one portion [that] forms at least one side of the hollow body [of a generally dome shape] and has no cutting edges.

The Examiner asserts on pages 4 and 5 of the Office Action that the cut side of a hemispherical reamer disclosed in *Lechot* constitutes a side of a reamer surface, as recited in the previously presented claims. The cut side of a reamer disclosed in *Lechot* is an open space, which the Examiner compares to a removed lid of an open box (Office Action, page 5) and also describes as “substantially a vacant hole” (Office Action, page 4). Applicants amend the claims to clarify that, in contrast to “a vacant hole” in a *Lechot* reamer, at least one second portion recited in the claims is a side of a physical body. Applicants respectfully assert that the claim amendments overcome the rejection based on *Lechot* and request that the rejection be reconsidered and withdrawn.

Furthermore, new Claims 29 and 32 recite, respectively, a dome having at least one side that has no cutting edges, or a generally dome-shaped hollow body having at least one side that has no cutting edges. As discussed above, the cut side of a modified hemispherical reamer in *Lechot* is an open space and not a side of a dome or a dome-shaped body, as

recited in these new claims. Accordingly, *Lechot* fails to anticipate new Claims 29 and 32 and their dependent claims for at least this reason. Applicants respectfully request the allowance of the new claims.

Rejection of Claims 6-7 and 9-12 under 35 U.S.C. § 103(a) as obvious in view of *Frieze* and *Lechot*

The Examiner rejects Claims 6-7 and 9-12 as obvious under 35 U.S.C. § 103(a) in view of *Frieze* in combination with *Lechot*. The Examiner asserts on page 5 of the Office Action that, based on the teaching of *Lechot*, it would have been obvious to construct the device of *Frieze* having a side without cutting teeth, to arrive at the rejected claims. The Examiner states that *Lechot* has “what is considered a ‘side’ that has no cutting teeth.” However, as Applicants discussed in the previous section, the cut side of a modified hemispherical reamer disclosed in *Lechot* is an opening and not a side of a hollow body of a generally dome shape, a dome, or a generally dome-shaped hollow body, as recited in the currently amended claims. Thus, *Lechot* fails to teach a dome-shaped body that has a side with no cutting teeth. *Frieze* also fails to teach or suggest a dome-shaped body that has a side with no cutting teeth.

To establish a *prima facie* case of obviousness, the references, separately or combined, must teach or suggest all the claim limitation, and the teaching or suggestion to make the claimed combination must be found in the prior art. See MPEP 2142. First, as discussed in the previous sections, *Frieze* and *Lechot*, separately or in combination, do not teach or suggest at least one limitation recited in Claims 6-7, as currently amended, namely, the at least one second portion forming at least one side of the hollow body [of a generally dome shape] not forming a surface of rotation about the rotational axis, being located generally more closely to the rotational axis than the first portion, and reducing a dimension of the exterior of the hollow body in at least one dimension transverse to the rotational axis. Accordingly, *Frieze* and *Lechot*, separately or in combination, fail to render Claims 6-7 obvious for at least this reason.

Furthermore, *Frieze* and *Lechot*, separately or in combination, do not teach one more limitation recited in Claims 6-7, that the raised edges are confined to the first portion. *Frieze* and *Lechot*, separately or in combination, also do not teach or suggest at least one limitation recited in Claims 9-12, as currently amended, namely at least one second portion [that] forms at least one side of the hollow body [of a generally dome shape] and has no cutting edges. Further, there is no suggestion or motivation in *Frieze* or *Lechot* to combine or modify the references as suggested in the Office Action. Accordingly, *Frieze* or *Lechot*, separately or in combination, fail to render Claims 6-7 and 9-12 *prima facie* obvious at least for the foregoing reasons. Applicants respectfully assert that the claim amendments overcome the rejection under 35 U.S.C. § 103(a) over *Frieze* in view of *Lechot* and request withdrawal of the rejection.

New Claims 26, 28, 30, 33, 35 and 36

New Claims 26, 28, 30, 33, 35 and 36 recite substantially enclosed sides of a dome or a hollow body. *Frieze* or *Lechot*, as cited by the Examiner in the Office Action, fail to teach the structures with substantially enclosed sides and therefore fail to teach at least one element of these new claims. *Frieze* or *Lechot* fail to anticipate or render obvious, separately or in combination, new Claims 26, 28, 30, 33, 35 and 36 for at least the above reason. Applicants respectfully request the allowance of new Claims 26, 28, 30, 33, 35 and 36.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed January 9, 2008. No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Applicants assert that the claims are in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities remain in the case that may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 532-6947 is respectfully solicited.

Respectfully submitted,

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